

HB2375



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2375

Introduced 2/4/2025, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5.01a

Amends the Medical Assistance Article of the Illinois Public Aid Code. In a provision requiring the Department of Healthcare and Family Services to establish and provide oversight for a program of supportive living facilities (SLFs), provides that beginning January 1, 2026, the Department shall electronically publicize a list of SLF sites selected in accordance with the Code. Requires the list to be updated at least once annually.

LRB104 10005 KTG 20075 b

A BILL FOR

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Section 5-5.01a as follows:

6 (305 ILCS 5/5-5.01a)

7 Sec. 5-5.01a. Supportive living facilities program.

8 (a) The Department shall establish and provide oversight
9 for a program of supportive living facilities that seek to
10 promote resident independence, dignity, respect, and
11 well-being in the most cost-effective manner.

12 A supportive living facility is (i) a free-standing
13 facility or (ii) a distinct physical and operational entity
14 within a mixed-use building that meets the criteria
15 established in subsection (d). A supportive living facility
16 integrates housing with health, personal care, and supportive
17 services and is a designated setting that offers residents
18 their own separate, private, and distinct living units.

19 Sites for the operation of the program shall be selected
20 by the Department based upon criteria that may include the
21 need for services in a geographic area, the availability of
22 funding, and the site's ability to meet the standards.

23 Beginning January 1, 2026, the Department shall

1 electronically publicize a list of sites selected in
2 accordance with this Section. The list shall be updated at
3 least once annually.

4 (b) Beginning July 1, 2014, subject to federal approval,
5 the Medicaid rates for supportive living facilities shall be
6 equal to the supportive living facility Medicaid rate
7 effective on June 30, 2014 increased by 8.85%. Once the
8 assessment imposed at Article V-G of this Code is determined
9 to be a permissible tax under Title XIX of the Social Security
10 Act, the Department shall increase the Medicaid rates for
11 supportive living facilities effective on July 1, 2014 by
12 9.09%. The Department shall apply this increase retroactively
13 to coincide with the imposition of the assessment in Article
14 V-G of this Code in accordance with the approval for federal
15 financial participation by the Centers for Medicare and
16 Medicaid Services.

17 The Medicaid rates for supportive living facilities
18 effective on July 1, 2017 must be equal to the rates in effect
19 for supportive living facilities on June 30, 2017 increased by
20 2.8%.

21 The Medicaid rates for supportive living facilities
22 effective on July 1, 2018 must be equal to the rates in effect
23 for supportive living facilities on June 30, 2018.

24 Subject to federal approval, the Medicaid rates for
25 supportive living services on and after July 1, 2019 must be at
26 least 54.3% of the average total nursing facility services per

1 diem for the geographic areas defined by the Department while
2 maintaining the rate differential for dementia care and must
3 be updated whenever the total nursing facility service per
4 diems are updated. Beginning July 1, 2022, upon the
5 implementation of the Patient Driven Payment Model, Medicaid
6 rates for supportive living services must be at least 54.3% of
7 the average total nursing services per diem rate for the
8 geographic areas. For purposes of this provision, the average
9 total nursing services per diem rate shall include all add-ons
10 for nursing facilities for the geographic area provided for in
11 Section 5-5.2. The rate differential for dementia care must be
12 maintained in these rates and the rates shall be updated
13 whenever nursing facility per diem rates are updated.

14 Subject to federal approval, beginning January 1, 2024,
15 the dementia care rate for supportive living services must be
16 no less than the non-dementia care supportive living services
17 rate multiplied by 1.5.

18 (b-5) Subject to federal approval, beginning January 1,
19 2025, Medicaid rates for supportive living services must be at
20 least 54.75% of the average total nursing services per diem
21 rate for the geographic areas defined by the Department and
22 shall include all add-ons for nursing facilities for the
23 geographic area provided for in Section 5-5.2.

24 (c) The Department may adopt rules to implement this
25 Section. Rules that establish or modify the services,
26 standards, and conditions for participation in the program

1 shall be adopted by the Department in consultation with the
2 Department on Aging, the Department of Rehabilitation
3 Services, and the Department of Mental Health and
4 Developmental Disabilities (or their successor agencies).

5 (d) Subject to federal approval by the Centers for
6 Medicare and Medicaid Services, the Department shall accept
7 for consideration of certification under the program any
8 application for a site or building where distinct parts of the
9 site or building are designated for purposes other than the
10 provision of supportive living services, but only if:

11 (1) those distinct parts of the site or building are
12 not designated for the purpose of providing assisted
13 living services as required under the Assisted Living and
14 Shared Housing Act;

15 (2) those distinct parts of the site or building are
16 completely separate from the part of the building used for
17 the provision of supportive living program services,
18 including separate entrances;

19 (3) those distinct parts of the site or building do
20 not share any common spaces with the part of the building
21 used for the provision of supportive living program
22 services; and

23 (4) those distinct parts of the site or building do
24 not share staffing with the part of the building used for
25 the provision of supportive living program services.

26 (e) Facilities or distinct parts of facilities which are

1 selected as supportive living facilities and are in good
2 standing with the Department's rules are exempt from the
3 provisions of the Nursing Home Care Act and the Illinois
4 Health Facilities Planning Act.

5 (f) Section 9817 of the American Rescue Plan Act of 2021
6 (Public Law 117-2) authorizes a 10% enhanced federal medical
7 assistance percentage for supportive living services for a
8 12-month period from April 1, 2021 through March 31, 2022.
9 Subject to federal approval, including the approval of any
10 necessary waiver amendments or other federally required
11 documents or assurances, for a 12-month period the Department
12 must pay a supplemental \$26 per diem rate to all supportive
13 living facilities with the additional federal financial
14 participation funds that result from the enhanced federal
15 medical assistance percentage from April 1, 2021 through March
16 31, 2022. The Department may issue parameters around how the
17 supplemental payment should be spent, including quality
18 improvement activities. The Department may alter the form,
19 methods, or timeframes concerning the supplemental per diem
20 rate to comply with any subsequent changes to federal law,
21 changes made by guidance issued by the federal Centers for
22 Medicare and Medicaid Services, or other changes necessary to
23 receive the enhanced federal medical assistance percentage.

24 (g) All applications for the expansion of supportive
25 living dementia care settings involving sites not approved by
26 the Department by January 1, 2024 ~~(Public Act 103-102)~~ may

1 allow new elderly non-dementia units in addition to new
2 dementia care units. The Department may approve such
3 applications only if the application has: (1) no more than one
4 non-dementia care unit for each dementia care unit and (2) the
5 site is not located within 4 miles of an existing supportive
6 living program site in Cook County (including the City of
7 Chicago), not located within 12 miles of an existing
8 supportive living program site in Alexander, Bond, Boone,
9 Calhoun, Champaign, Clinton, DeKalb, DuPage, Fulton, Grundy,
10 Henry, Jackson, Jersey, Johnson, Kane, Kankakee, Kendall,
11 Lake, Macon, Macoupin, Madison, Marshall, McHenry, McLean,
12 Menard, Mercer, Monroe, Peoria, Piatt, Rock Island, Sangamon,
13 Stark, St. Clair, Tazewell, Vermilion, Will, Williamson,
14 Winnebago, or Woodford counties, or not located within 25
15 miles of an existing supportive living program site in any
16 other county.

17 (h) Beginning January 1, 2025, subject to federal
18 approval, for a person who is a resident of a supportive living
19 facility under this Section, the monthly personal needs
20 allowance shall be \$120 per month.

21 (i) ~~(h)~~ As stated in the supportive living program home
22 and community-based service waiver approved by the federal
23 Centers for Medicare and Medicaid Services, and beginning July
24 1, 2025, the Department must maintain the rate add-on
25 implemented on January 1, 2023 for the provision of 2 meals per
26 day at no less than \$6.15 per day.

1 (j) (ff) Subject to federal approval, the Department shall
2 allow a certified medication aide to administer medication in
3 a supportive living facility. For purposes of this subsection,
4 "certified medication aide" means a person who has met the
5 qualifications for certification under Section 79 of the
6 Assisted Living and Shared Housing Act and assists with
7 medication administration while under the supervision of a
8 registered professional nurse as authorized by Section 50-75
9 of the Nurse Practice Act. The Department may adopt rules to
10 implement this subsection.

11 (Source: P.A. 102-43, eff. 7-6-21; 102-699, eff. 4-19-22;
12 103-102, Article 20, Section 20-5, eff. 1-1-24; 103-102,
13 Article 100, Section 100-5, eff. 1-1-24; 103-593, Article 15,
14 Section 15-5, eff. 6-7-24; 103-593, Article 100, Section
15 100-5, eff. 6-7-24; 103-593, Article 165, Section 165-5, eff.
16 6-7-24; 103-605, eff. 7-1-24; 103-886, eff. 8-9-24; revised
17 10-8-24.)